

**DOCKET NO. 579765**

TEXAS ALCOHOLIC BEVERAGE COMMISSION, Protestant and Petitioner	§ § § §	BEFORE THE TEXAS
HARKER HEIGHTS POLICE DEPARTMENT AND KILLEEN POLICE DEPARTMENT, Protestants	§ § § §	
VS.	§ §	ALCOHOLIC
ORIGINAL APPLICATION OF SCARLET IBIS, LLC D/B/A CLUB SEDUCTION, Respondent	§ § § §	
BELL COUNTY, TEXAS (SOAH DOCKET NO. 458-09-0600)	§ §	BEVERAGE COMMISSION

**ORDER ADOPTING PROPOSAL FOR DECISION**

**CAME ON FOR CONSIDERATION** on this 10<sup>th</sup> day of February, 2009,  
the above-styled and numbered cause.

After proper notice was given, this case was heard by Administrative Law Judge John H. Beeler. The hearing convened on November 12, 2008 and adjourned on the same date. The Administrative Law Judge made and filed a Proposal for Decision containing Findings of Fact and Conclusions of Law on January 12, 2009. The Proposal for Decision was properly served on all parties who were given an opportunity to file Exceptions and Replies as part of the record herein. As of this date, no Exceptions have been filed.

The Administrator of the Texas Alcoholic Beverage Commission, after review and due consideration of the Proposal for Decision and Exhibits, adopts the Findings of Fact and Conclusions of Law of the Administrative Law Judge, that are contained in the Proposal For Decision and incorporates those Findings of Fact and Conclusions of Law into this Order, as if such were fully set out and separately stated herein. All Proposed Findings of Fact and Conclusions of Law, submitted by any party, which are not specifically adopted herein are denied.

**IT IS THEREFORE ORDERED** by the Administrator of the Texas Alcoholic Beverage Commission, pursuant to Subchapter B of Chapter 5 of the Texas Alcoholic Beverage Code and 16 TAC §31.1 of the Commission Rules, that issuance of an original permit to the Respondent be **DENIED**.

This Order will become final and enforceable on the 6<sup>th</sup> day of March, 2009, unless a Motion for Rehearing is filed before that date.

By copy of this Order, service shall be made upon all parties in the manner indicated below.

**SIGNED** this the 10<sup>th</sup> day of February,  
2009, at Austin, Texas.

  
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Alan Steen, Administrator  
Texas Alcoholic Beverage Commission

Hon. John H. Beeler  
**ADMINISTRATIVE LAW JUDGE**  
State Office of Administrative Hearings - Austin  
**VIA FACSIMILE (512) 475-4994**

Marvin McCall  
Scarlet Ibis, L.L.C.  
**RESPONDENT**  
d/b/a Club Seduction  
201 Veteran Memorial Blvd.  
Harker Heights, TX 76548  
**VIA U.S. FIRST CLASS MAIL**

Chief Michael Gentry  
**PROTESTANT**  
Harker Heights Police Department  
402 Indian Tr.  
Harker Heights, TX 76548

Judith L. Kennison  
**ATTORNEY FOR PETITIONER**  
TABC Legal Section

Licensing Division

Waco District Office

JK/th